

Traditionally, enforcement of the Mexican *NOMs* has not been strict. A common complaint of foreign and domestic companies alike has been that many of the labs authorized to carry out testing were owned by manufacturers and were biased against certification of competitor's products. In recent years, *SECOFI* has taken steps to establish "independent" testing labs. Nonetheless, exporters should be wary when the names of their competitors appear on the list of approved labs. The Canadian Standards Association (CSA) is currently working towards identifying unbiased third party laboratories in Mexico. Exporters can contact the CSA for assistance in identifying an appropriate lab.

STANDARDS UNDER THE NAFTA

Chapter 9 of the NAFTA covers standards-related measures. The Agreement has the goal of ensuring that standards are not used as non-tariff barriers to trade. Representatives of the Canadian Standards Association (CSA) and the Standards Council of Canada (SCC) have been working with their counterparts in Mexico and the United States to harmonize product standards. The NAFTA allows Mexico four years to implement these provisions. Meanwhile, it is under no obligation to accept product certifications from the other two countries. In other words, UL or CSA labelling is not sufficient for products requiring a mandatory standard in Mexico. Products must be tested and certified in Mexico by an authorized laboratory.

The penalty for non-compliance with mandatory standards includes prohibiting the sale of the item, fines or other sanctions, and the temporary or permanent closing of manufacturing facilities in Mexico.

THE CERTIFICATION PROCESS

Exporters can obtain a copy of the appropriate Mexican standard from *SECOFI*'s catalogue of construction products. Certification requires the following steps:

1. The importer (not the Canadian manufacturer) must deliver product samples to one of the *SECOFI* authorized laboratories. A company can import up to three samples on a temporary import permit for testing at an authorized laboratory. There are about 120 certified laboratories in Mexico, of which 19 are authorized for construction products testing.
2. If the product meets the standard when it is tested, a certificate of compliance is issued, allowing the use of a *NOM* mark or label for imported products.
3. Products must be labelled according to regulations that are available from *SECOFI*.

All of the designated construction products testing laboratories indicate that their main area of expertise is in the testing of fresh and hard concrete. Canadian exporters of other products may find limited expertise in their area. They may also discover that only voluntary standards exist.

THE CANADIAN EXPERIENCE

When one Canadian manufacturer of high density polyethylene pipe (HDPE) for drainage applications first went to Mexico, they were astounded by the tremendous opportunity in sewer construction. However, Mexico did not have a standard for hermetically sealed HDPE sewer pipe. The company has since been active in the on-going process of developing a *NOM* for this product, potentially based on the existing CSA standard. They have found that the process involves lengthy discussions with *Comisión Nacional del Agua (CNA)*, the National Water Commission, competitive domestic pipe manufacturers, and potential users. Having a local partner with considerable clout in the industry is key to expediting the process.

